

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CLARENCE O'NEAL,)	
)	
Petitioner,)	
)	
vs.)	No. 07-3163-CV-S-RED-H
)	
JOSEPH E. GUNJA, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner challenges conditions of confinement while in the United States Penitentiary, Atlanta, and contends that while at the United States Medical Center, he was sprayed with chemicals; speakers were placed in his cell, and he was talked to 24 hours per day.

Petitioner has been committed for care and treatment of a mental illness under the provisions of 18 U.S.C. § 4245. See *United States v. O'Neal*, Case No. 07-3062-CV-S-RED. It is noted that the allegations in the instant petition are similar to the statements attributed to Mr. O'Neal, which the mental health professionals have found to be the result of his mental illness.

In its response to the Show Cause Order entered in this case, the United States asserts that the petitioner has not exhausted administrative remedies. That allegation has not been denied.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted. ¹

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: July 18, 2007

¹ Petitioner has 10 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.